



92-0 / 1712

PATENT
Docket No.: CL/V-30880/A/CGV2112
Cust. No. 001095

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Jennifer China
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Signature

Date

Jennifer China May 10, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Hirt, et al

APPLICATION NO: 09/525,158

Examiner:

Kuo-Liang Peng

Art Unit: 1712

FILED: March 14, 2000

FOR: Organic Compounds

Assistant Commissioner for Patents

Box DAC, Attn.: Art Unit 1712

Washington, D.C. 20231

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

PURSUANT TO 37 CFR §1.181(A)

Sir:

The Notice of Abandonment dated April 5, 2002 from Examiner Kuo Liang Peng of Art Unit 1712 has been received. Applicants hereby petition that the holding of abandonment be withdrawn because applicants never received the Notice of Allowance.

The present application was held to be abandoned by the Examiner for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. However, Applicants' representative did not receive the Notice of Allowance. A search of the file jacket and docket records indicates that the Notice of Allowance was not received. A copy (2 pages) of the docket record

showing all received Office Actions and replies filed by Applicants' representative is enclosed herewith as documentary proof of nonreceipt of the Notice of Allowance. A statement of nonreceipt of the Notice of Allowance from Jian Zhou, Applicants' representative, is enclosed herewith pursuant to MPEP §711.03(c)II.

Therefore, Applicants submit that the holding of abandonment for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance is improper and respectfully request that it be withdrawn and A Notice of Allowance be remailed.

CONCLUSION

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Thomas Hoxie, Novartis Corporation, Patent and Trademark Department, 564 Morris Avenue, Summit, NJ 07901. The commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 09-0134.

Respectfully submitted,



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Date: May 10, 2002

Novartis Corporation
Patent and Trademark Department
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